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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,327	02/12/2004	Kazuo Okada	SHO-0061	5313
23353 7590 06/25/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
DEODHAR, OMKAR A				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
06/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,327

Applicant(s)

OKADA, KAZUO

Examiner

OMKAR A. DEODHAR

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Non-Final Rejection

This action is responsive to Applicant's filing of an RCE on 5/22/2008.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-5 & 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al. (US 6,517,433) in view of Mastera et al. (US 6,315,666).

Claims 1, 4 & 5:

Loose teaches a secondary display provided in front of a first display device such that reels & symbols of the first display can be viewed through the second display. (See Loose Abstract, Figures 2A & 2B & Figure 5.) This mechanism is interpreted as a variable display device. Loose's secondary display is an optically transmissive display device provided in front of the first display.

A slot machine is a lottery device.

The slot machine can be programmed for different displays & games.

Reels (whether simulated or physical) have a stop device to display a combination of elements on the machine's display regions. Without a stop device there would be no definite outcome. See Col. 3. Lines 50-54.

While Loose teaches a plurality of player input buttons located below the display device (Figure 6 Item 26 is one such example) Loose does not teach a stop button that controls the display such that at least one of a plurality of symbols are statically displayed.

It would have been a matter of obvious design choice to one of ordinary skill in the art at the time of Applicant's invention to provide a stop button on a gaming device. A system requiring a player to initiate a stopping sequence versus stopping the reels after a predetermined amount of time is a mere design consideration failing to patentably distinguish over the prior art.

Loose does not teach a lower display device provided below several stop buttons.

Mastera teaches a lower display device provided below several buttons, See Mastera, Figure 2.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate a lower display device provided below several buttons as taught by Mastera for the purpose of realizing secondary game events in a manner than maintains player interest, (This motivation is found in Mastera, Col. 2. Lines 61-65).

Claims 3, 7 & 8:

Loose teaches bonus games, See Abstract. A bonus game is a special game state that can be advantageous to a player and is initiated based on satisfying some predetermined condition. See Col. 3. Lines 11-15. Bonus games have special or unique displays associated with them. Note that Loose's second display provided in front of the first display can be configured such that certain elements of the first display are visible and other elements are not visible. See Col. 5. Lines 24-30.

Claim 9:

Loose does not teach that an image in the special game mode is determined by an operation order of one or more stop buttons. Instead, Loose's bonus game is triggered by some event in a basic game. Further, examiner notes that Loose's bonus game requires player inputs inasmuch as the slot machine requires a wager (an input) in order to play.

It would have been a matter of obvious design choice to one of ordinary skill in the art at the time of Applicant's invention to trigger a bonus game based on some combination of

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player inputs, such as via a stop button, as claimed. As evinced by the Loose Patent, it is known in the art to trigger bonus games based on player inputs. Pressing a stop button a plurality of times is a form of player inputs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMKAR A. DEODHAR whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAD

/Corbett Coburn/
Primary Examiner
AU 3714